



U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons
Metropolitan Correctional Center

150 Park Row
New York, New York 10007

August 5, 2020

The Honorable Edgardo Ramos
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Cesar Fernandez-Rodriguez, et al. v. Marti Licon-Vitale*
Civil Action No. 20 Civ. 3315 (ER)

Dear Judge Ramos:

As promised in my May 29 letter to the Court, please find the following information:

- The number of inmates tested for COVID-19 and the number who have tested positive since the last report; **We have tested 554 inmates in total (since this number has been growing so much it is hard to say how many have been tested since the last report); 7 positives since the last report**
- The number of inmates who MCC medical staff has determined to have symptoms of COVID-19 since the last report and confirmation that contact tracing investigations have been completed (or are underway) for each of them; **All positive inmates have been asymptomatic. Contact tracing has been conducted on every inmate whose test has come back positive to include notifying all staff and sending notification to inmates on trulinks.**
- The current number of inmates in isolation for suspected or confirmed COVID-19 infection; **7 (2 are there for positive tests and five are their for inconclusive test results). The inconclusive inmates have been retested.**
- The number of staff who have informed MCC that they had tested positive for COVID-19 since the last report, and confirmation that contact tracing investigations have been completed (or are underway) for each of them; **none**

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- Confirmation handwritten and electronic sick call requests are being reviewed daily and inmates are being timely scheduled for medical appointments based on medical need and staff resources;

I want to update the Court on the review of electronic cop outs. An audit of this performance measure reflects the electronic cop outs have not been diligently reviewed by medical staff. I have taken steps to remedy any backlog and put additional checks in place to ensure we are accountable every day. My associate warden who oversees medical staff, and my secretary have been provided access and are monitoring the electronic sick call mailbox to ensure medical staff are reviewing the electronic sick call requests every single day. I too have gained access to this mailbox to check behind the checker. I have directed the health services administrator or his acting to provide a daily email confirming to the Associate Warden over the health service department all electronic and paper copouts have been reviewed and processed. I have directed the associate warden over the health service department to provide me a daily email confirming the electronic cop outs are reviewed daily and I am reviewing the mailbox at the end of every day myself. Unfortunately, I am also in the process of taking administrative action to reemphasize the seriousness of this process.

I would like to also make the Court aware in reviewing any backlog we did not have any COVID-19 related emails. There was one which indicated the inmate was nauseous; however, it was not COVID-19 related.

- Confirmation that hygiene and cleaning supplies have been distributed in all inmate units since the last report; **Yes**
- The number of MCC inmates released pursuant to: compassionate release, full term release, good credit time, and MCC referrals to home confinement or a residential reentry center since the last report; **11**
- A redacted list of inmates who have been denied home confinement, and the justifications for those denials, since the last report, **0**

My next letter will be on August 14, absent further order from the Court. I thank the Court for its attention to this significant matter.

Respectfully submitted,

//s//

M. Licon-Vitale
Warden
MCC New York